

FILED

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner) (Mod 7/19)

OCT 07 2021

UNITED STATES DISTRICT COURT

Mark C. McCurt, Clerk
U.S. DISTRICT COURT

for the

Northern District of Oklahoma

Katie Huskey

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

payne county sheriff's dept

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

21-cv-434-CUE-JFS

(to be filled in by the Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

☒ Mail ☐ No Cert Svc ☐ No Orig Sign☐ C/J ☐ C/MJ ☐ C/Ret'd ☐ No Env☐ No Cyps ☒ No Env/Cyps ☐ O/J ☐ O/MJ

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Katie Huskey
 All other names by which
 you have been known:
 ID Number 17202509
 Current Institution Cimmaron C. Facility
 Address 3200 S. Kings Hwy
Lushing OK 74023
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Gina Hutchinson
 Job or Title (*if known*) LTN
 Shield Number
 Employer payne county sheriffs Dept
 Address 606 S. Husband St
stillwater OK 74074
City State Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name Ryan Lassley
 Job or Title (*if known*) Jailer
 Shield Number
 Employer payne county sheriffs Dept
 Address 606 S. Husband St
stillwater OK 74074
City State Zip Code

☐ Individual capacity ☒ Official capacity

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Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City

State

Zip Code

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City

State

Zip Code

☐ Individual capacity☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

• I was Refused the Right to Breast Feed my child
 • I was involved in an investigation witch involved
 • PREA and Was unable to contact Prea From payne
 County Phones

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Gina Hutchinson Gave order to the Armed Guard Stated

Huskey can not Breast-feed Because she didn't want a leakage issue. I was also Violated an a PREA investigation was conducted But was Denied My Right to contact prea

III. Prisoner Status Hot Line

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Jan. 27, 2021 Gina Hutchingso Denied me my Right to Breast feed my New Born child while I was at Stillwater hospital

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

I could not use the Facility phone to contact prea payne county jail Between 12/12/20 — 8/24/21 I was mistread As a Federal Inmate Also as A Pregnant Inmate.

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C. What date and approximate time did the events giving rise to your claim(s) occur?

1/27/2021 - 1/30/2021

12/12/21 - 8/24/21

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

• I was 3rd trimester pregnancy and housed and worked up to my due date as a trustee with chemichab cleaning And painting the jail. • I was hand cuffed to and from Doctor apt. • I was refused the right to breast feed my child • I was physical threatened with physical harm And sexual propositioned During my Incarceration at payne County Jail.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

After Being worked In my late months of pregnancy with chemicals painting and Ect. After Being told I was not to Breast Feed Due to Lnt not wanting a Leakage Issue My son had an Abnormal Blood test slight chance of hypothyroidism And this was A Basic Disregarded For my unborn child's Life on top of Lack of Breast milk And All the health issues that could have Been prevented I also never recieved an offer of counseling or mental health Referral after sexual harassment. BY Jailor.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Id like Funding to Get counseling and Mental health help after the physical threat and sexual proposition Id like Funding For Anything I may need to take care of a child with Abnormallys And mental Disfunctions

On top of ~~any~~ payment for any cost I'll need To provide for a child with hypothyroidism And medical treatment ~~to the court~~

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. If the evidence shows that you did not fully comply with an available prison grievance process before filing this lawsuit, the Court may dismiss the unexhausted claim(s) or grant judgment against you.

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

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3. Docket or index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

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3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes☐ No

If no, give the approximate date of disposition

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

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Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Katie Huskey

17202509

3200 S Kings Hwy

Cushing

City

OK

State

74074

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

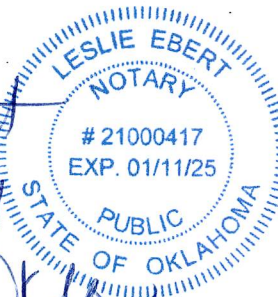
DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746. 18 U.S.C. §1621.

Executed at Cimmaron Correctional Facility on 10/04/21
 (Location) (Date)

Katie Huskey
 Original Signature of Plaintiff)

Leslie Ebert
 Oct 4, 2021
 Payne Co., Okla
 exp 1/11/25



Katie Huskey #17202509
Cimmarron, C. Facility
Cushing, OK, 74023

RECEIVED

OCT 07 2021

Mark G. McCart, Clerk
U.S. DISTRICT COURT

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Legal Mail

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